

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

UNITED STATES OF AMERICA,

Plaintiff,

And

NATURAL RESOURCES DEFENSE
COUNCIL, INC. AND SIERRA CLUB,

Intervenor-Plaintiffs,

v.

DTE ENERGY COMPANY AND
DETROIT EDISON COMPANY,

Defendants.

Civil Action No.
2:10-cv-13101-BAF-RSW

Judge Bernard A. Friedman

Magistrate Judge R. Steven Whalen

**PLAINTIFF'S OPPOSITION TO DEFENDANTS'
MOTION FOR EXPEDITED BRIEFING**

Plaintiff United States opposes Defendants DTE Energy Company and Detroit Edison Company's (collectively, "DTE") motion for expedited briefing. In its motion, DTE argues for the first time that Plaintiffs have failed to meet their burden to show that its documents were produced in the normal course of business. One week from the filing of DTE's motion is an insufficient period of time to gather the required information. More than two months ago, the United States explained the limits of its search for responsive documents and more than a month ago the United States began to produce documents to DTE. Having waited months to file its motion, DTE now asks that the United States prejudice its briefing in order to meet an expedited schedule dictated by DTE's own delay. The United States will work to file our brief on an

expedited basis in light of the hearing scheduled for April 20, 2011. However, the United States cannot agree to file its brief just five business days after DTE's motion.

CONCLUSION

Plaintiff respectfully requests that the Court deny the motion so that the Plaintiff has adequate time to respond to DTE's motion.

Respectfully Submitted,

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Dated: April 11, 2011

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CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2011, the foregoing brief in opposition was filed electronically using the Court's ECF system and served on counsel of record via ECF.

s/ Kristin M. Furrie
Counsel for the United States